

United States District Court
Western District of Wisconsin

Office of the Clerk
Post Office Box 432
Madison, Wisconsin 53701
(608) 264-5156

Date: 2/18/09

Gino Agnello, Clerk
United States Court of Appeals
for the Seventh Circuit
219 South Dearborn Street, Rm 2722
Chicago, IL 60604

RE:USA V. SKOIEN
D.C. Docket #:08-CR-12-C
USCA Docket #:08-3770

Dear Clerk:

I am sending you herewith the original record on appeal. The record consists of the following:

1 Volumes of Pleadings;
1 Volumes of Transcripts;
--- Volumes of Depositions;


Exhibits:

Sealed
Documents: 1 VOL.

Other: 1 Loose vol.

Please acknowledge the date of your receipt of the above-mentioned materials on the enclosed copy of this letter and return same to this court.

Sincerely,
Peter Oppeneer, Clerk of Court

By: 
Deputy Clerk

cc: M. LIEBERMAN
T. O'SHEA

IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

USA

Plaintiff-Appellee

DC Case No.: 08-CR-12-C

vs.

USCA Case No.: 08-3770

STEVEN SKOEN

Defendant-Appellant

APPEAL
FROM THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WISCONSIN THE HONORABLE
BARBARA B. CRABB, DISTRICT JUDGE, PRESIDING.

CERTIFICATE OF THE CLERK

United States District Court
Western District of Wisconsin

I, MARLENE OLSON, Deputy Clerk of the United States District Court in and for the Western District of Wisconsin, do hereby certify that I have on this date assembled, certified, and sealed the attached Record on Appeal which contains original documents filed in the above-entitled matter heretofore pending in the said District Court.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Madison, WI,
this 18TH day of FEBRUARY, 2009.

Peter Oppeneer, Clerk of Court

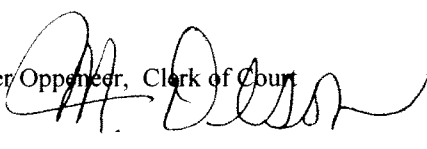
By: 
Deputy Clerk

I, MARLENE OLSON, Deputy Clerk of the United States District Court in and for the Western District of Wisconsin, do hereby certify that I have on this date shipped this Record on Appeal via United Parcel Service, addressed to:

United States Court of Appeals
for the Seventh Circuit
219 South Dearborn Street, Rm 2722
Chicago, IL 60604

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Madison, WI,
this 18TH day of FEBRUARY, 2009.

Peter Oppeneer, Clerk of Court

By: 
Deputy Clerk

APPEAL, CLOSED, REASSIGN, SINGLE_DEFT

**U.S. District Court
Western District of Wisconsin (Madison)
CRIMINAL DOCKET FOR CASE #: 3:08-cr-00012-bbc-1
Internal Use Only**

08-3170

Case title: USA v. Skoien, Steven M.

Date Filed: 01/30/2008

Date Terminated: 10/27/2008

Assigned to: Chief Judge Barbara B
Crabb
Referred to: Magistrate Judge Stephen L
Crocker

Defendant (1)

Steven M. Skoien

TERMINATED: 10/27/2008

represented by **Michael Lieberman**

Federal Defender Services of
Wisconsin, Inc.

222 West Washington Ave.
Suite 300

Madison , WI 53703

608-260-9900

Fax: 608-260-9901

Email: michael_lieberman@fd.org

ATTORNEY TO BE NOTICED

*Designation: Public Defender or
Community Defender Appointment*

Pending Counts

18:922G.F UNLAWFUL
TRANSPORT OF FIREARMS, ETC.
(1)

Disposition

CBOP: 24 mos.; 3 years S/R; \$100 CA

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None








Complaints














None













Disposition**Plaintiff**














USA







represented by **Timothy Michael O'Shea**
 United States Attorney's Office
 660 West Washington Avenue, #303
 Madison , WI 53703
 608-250-5467
 Fax: 608-264-5054
 Email: tim.oshea@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/30/2008	 <u>1</u>	JS-45 CRIMINAL COVER SHEET (Sealed) as to Steven M. Skoien. (vob) (Entered: 01/30/2008)
01/30/2008	 <u>2</u>	INDICTMENT as to Steven M. Skoien (1) count(s) 1. (vob) (Entered: 01/30/2008)
01/31/2008	 <u>3</u>	Arraignment set for 2/27/2008 at 10:00 AM. (vob) (Entered: 01/31/2008)
01/31/2008	 <u>3</u>	MOTION for Writ of Habeas Corpus ad prosequendum for 2-27-08 by USA as to Steven M. Skoien. Motions referred to Magistrate Judge Stephen L Crocker. (O'Shea, Timothy) (Entered: 01/31/2008)
02/04/2008	 <u>4</u>	ORDER granting <u>3</u> Motion for Writ of Habeas Corpus ad prosequendum. Writ issued. Delivered to USMS for service as to Steven M. Skoien (1). Signed by Magistrate Judge Stephen L Crocker on 1/31/08. (rep) (Entered: 02/04/2008)
02/08/2008	 <u>5</u>	NOTICE OF ATTORNEY APPEARANCE: Michael Lieberman appearing for Steven M. Skoien (Lieberman, Michael) (Entered: 02/08/2008)
02/12/2008	 <u>5</u>	Arraignment set for 2/14/2008 at 10:00 AM. (eak) (Entered: 02/12/2008)

02/12/2008	 <u>6</u>	MOTION for Writ of Habeas Corpus ad prosequendum for February 14, 2008 initial appearance by USA as to Steven M. Skoien. Motions referred to Magistrate Judge Stephen L Crocker. (O'Shea, Timothy) (Entered: 02/12/2008)
02/13/2008	 <u>7</u>	ORDER granting <u>6</u> Motion for Writ of Habeas Corpus ad prosequendum. Writ issued. Delivered to USMS for service as to Steven M. Skoien (1). Signed by Magistrate Judge Stephen L Crocker on 2/12/08. (rep) (Entered: 02/13/2008)
02/14/2008	 <u>8</u>	Minutes of Proceedings held before Judge Stephen L Crocker : Arraignment: Not Guilty plea entered re: Steven M. Skoien (1) Count 1 held on 2/14/2008. Steven M. Skoien remains detained. [16]. Pretrial motions due by 4/14/2008. Pretrial Motion Hearing set for 4/17/2008 at 10:00 AM. Final Pretrial Submissions due 5/14/2008. Final Pretrial Conference set for 5/16/2008 at 09:00 AM. Final Hearing set for 5/22/2008 at 03:00 PM. Jury Selection and Trial set for 5/27/2008 at 09:00 AM. (Court Reporter LS.) (vob) (Entered: 02/14/2008)
02/14/2008	 <u>9</u>	ORDER Setting Conditions of Release Signed by Magistrate Judge Stephen L Crocker on 2/14/08. (vob) (Entered: 02/14/2008)
02/15/2008	 <u>10</u>	Writ of Habeas Corpus ad Prosequendum Returned Executed as to Steven M. Skoien on 2/14/08. (mmo) (Entered: 02/15/2008)
02/21/2008	 <u>11</u>	Writ of Habeas Corpus ad Prosequendum as to Steven M. Skoien. Returned Unexecuted. (vob) (Entered: 02/21/2008)
02/27/2008	 <u>12</u>	Government Discovery Letter dated 2-27-08 by Timothy Michael O'Shea on behalf of USA as to Steven M. Skoien (O'Shea, Timothy) (Entered: 02/27/2008)
03/03/2008	 <u>13</u>	Government Discovery Letter dated 3/3/08 by Timothy Michael O'Shea on behalf of USA as to Steven M. Skoien (O'Shea, Timothy) (Entered: 03/03/2008)
04/14/2008	 <u>14</u>	MOTION to Dismiss for Violation of the Second Amendment by Steven M. Skoien. (Attachments: # <u>1</u> Exhibit Transcript of Oral Argument) (Lieberman, Michael) (Entered: 04/14/2008)
04/17/2008	 <u>15</u>	Minute Entry for proceedings held before Magistrate Judge Stephen L Crocker: Pretrial Motion Hearing as to Steven M. Skoien held on 4/17/2008 [31 (Court Reporter CS.) (vob) (Entered: 04/17/2008)
04/18/2008	 <u>16</u>	Pretrial Motion Hearing Order. Signed by Magistrate Judge Stephen L Crocker on 4/17/2008. (arw) (Entered: 04/18/2008)
04/21/2008	 <u>17</u>	ORDER denying <u>14</u> Motion to Dismiss Indictment as to Steven M. Skoien. Signed by Judge Barbara B Crabb on 4/21/08. (elc) (Entered: 04/21/2008)
05/01/2008	 <u>18</u>	Plea Hearing set for 5/7/2008 at 12:40 PM. (krj) (Entered: 05/01/2008)

05/07/2008	 <u>18</u>	Minute Entry for proceedings held before Judge Barbara B Crabb: Plea Hearing as to Steven M. Skoien held on 5/7/2008. Guilty plea entered. [14] Presentence Report due by 6/11/2008. Objections to PSR due by 6/25/2008. Sentencing set for 7/18/2008 at 01:20 PM. Defendant release conditions affirmed. (Court Reporter CS.) (elc) (Entered: 05/07/2008)
05/07/2008	 <u>19</u>	PLEA AGREEMENT as to Steven M. Skoien. (elc) (Entered: 05/07/2008)
06/11/2008	 <u>20</u>	PRESENTENCE INVESTIGATION REPORT as to Steven M. Skoien (<u>Sealed</u>) (jae) (Entered: 06/11/2008)
06/25/2008	 <u>21</u>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT by USA re: Steven M. Skoien <i>dated</i> 6-25-08 (<u>Sealed</u>) (O'Shea, Timothy) (Entered: 06/25/2008)
06/25/2008	 <u>22</u>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Steven M. Skoien (<u>Sealed</u>) (Attachments: # <u>1</u> Transcript) (Lieberman, Michael) (Entered: 06/25/2008)
07/11/2008	 <u>23</u>	ADDENDUM TO PRESENTENCE INVESTIGATION REPORT as to Steven M. Skoien (<u>Sealed</u>) (jae) (Entered: 07/11/2008)
07/11/2008	 <u>25</u>	MOTION to Postpone Sentencing and Set Briefing Schedule on Motion to Dismiss Indictment by Steven M. Skoien. Motions referred to Magistrate Judge Stephen L Crocker. (Lieberman, Michael) (Entered: 07/11/2008)
07/14/2008	 <u>26</u>	** TEXT ONLY ORDER ** Order Granting <u>25</u> MOTION to Postpone Sentencing and Setting Briefing Schedule on <u>14</u> Motion to Dismiss Indictment filed by Steven M. Skoien. Brief in Support due by 8/4/2008. Brief in Opposition due by 8/15/2008. Brief in Reply due by 8/22/2008. Signed by Judge Barbara B Crabb on 7/14/08. (vob) (Entered: 07/15/2008)
08/04/2008	 <u>27</u>	BRIEF in Support by Steven M. Skoien re: <u>14</u> MOTION to Dismiss <i>for Violation of the Second Amendment</i> (Lieberman, Michael) (Entered: 08/04/2008)
08/08/2008	 <u>28</u>	BRIEF in Opposition by USA as to Steven M. Skoien re: <u>14</u> MOTION to Dismiss <i>for Violation of the Second Amendment</i> (Attachments: # <u>1</u> Certificate of Service) (O'Shea, Timothy) (Entered: 08/08/2008)
08/22/2008	 <u>29</u>	BRIEF in Reply by Steven M. Skoien re: <u>14</u> MOTION to Dismiss <i>for Violation of the Second Amendment</i> (Lieberman, Michael) (Entered: 08/22/2008)
08/27/2008	 <u>30</u>	ORDER denying <u>14</u> Motion to Dismiss as to Steven M. Skoien (1). Signed by Judge Barbara B Crabb on 8/27/08. (vob) (Entered: 08/28/2008)

09/22/2008		Sentencing set as to defendant Steven M. Skoien. Sentencing set for 10/24/2008 at 12:40 PM. (rep) (Entered: 09/22/2008)
10/02/2008	 <u>31</u>	DISREGARD - INCORRECT CASE NUMBER MOTION for Extension of Time to File 2255 motion by Steven M. Skoien. Motions referred to Magistrate Judge Stephen L Crocker. (Attachments: # Certificate of Service # Envelope) (vob) Modified on 10/2/2008 (Balderas, Vivian). (Entered: 10/02/2008)
10/24/2008	 <u>32</u>	Minute Entry for proceedings held before Judge Barbara B Crabb : Sentencing held on 10/24/2008 for Steven M. Skoien (1), Count 1, CBOP: 24 mos.; 3 years S/R; \$100 CA. [24] Voluntary Surrender date set for 1/15/2009. (Court Reporter LS.) (kf) (Entered: 10/24/2008)
10/27/2008	 <u>33</u>	STATEMENT OF REASONS as to Steven M. Skoien. (Sealed Document) (vob) (Entered: 10/28/2008)
10/27/2008	 <u>34</u>	JUDGMENT AND COMMITMENT as to Steven M. Skoien (1), Count(s) 1, CBOP: 24 mos.; 3 years S/R; \$100 CA (Sealed Document) re: Steven M. Skoien. Signed by Judge Barbara B Crabb on 10/27/08. (vob) (Entered: 10/28/2008)
10/27/2008	 <u>35</u>	JUDGMENT AND COMMITMENT - Redacted re: 34 Judgment and Commitment re: Steven M. Skoien. Signed by Judge Barbara B Crabb on 10/27/08. (vob) (Entered: 10/28/2008)
10/29/2008	 <u>36</u>	NOTICE OF APPEAL by Steven M. Skoien. In forma pauperis previously granted. Docketing Statement filed. (Attachments: # <u>1</u> Docketing Statement) (Lieberman, Michael) (Entered: 10/29/2008)
10/30/2008	 <u>37</u>	Appeal Information Packet for Appellant. (mmo) (Entered: 10/30/2008)
10/30/2008		Transmission of Notice of Appeal, Docketing Statement, Appeal Information Sheet, Docket Sheet and Judgment as to Steven M. Skoien to US Court of Appeals re <u>36</u> Notice of Appeal. (mmo) (Entered: 10/30/2008)
11/03/2008		7th Circuit case number 08-3770 re: <u>36</u> Notice of Appeal filed by Steven M. Skoien. (mmo) (Entered: 11/03/2008)
11/14/2008	 <u>38</u>	Voluntary Surrender Order: Defendant to surrender to FCI-Greenville, IL on 1/15/09 between noon and 2:00 pm. Signed by Judge Barbara B Crabb on 11/13/08. (Attachments: # <u>1</u> Designation Form) (vob) (Entered: 11/14/2008)
11/18/2008	  <u>39</u>	TRANSCRIPT of Plea Hearing, held 5/7/08 as to Steven M. Skoien before Judge Barbara B Crabb. Court Reporter: CS. Please review the court policy regarding electronic transcripts: see <u>Electronic Transcript Instructions</u> and <u>Notice of Intent to Request Redaction</u> . (vob) (Entered: 11/18/2008)

12/31/2008	 <u>40</u>	MOTION to Postpone Report Date by Steven M. Skoien. Motions referred to Magistrate Judge Stephen L Crocker. (Attachments: # <u>1</u> Patient History) (Lieberman, Michael) (Entered: 12/31/2008)
12/31/2008		Set/Reset Deadlines re: <u>40</u> MOTION to Postpone Report Date. Government may have until 1/8/09 in which to raise any objections to defendant's motion. 1/8/2009. (llj) (Entered: 12/31/2008)
01/05/2009	 <u>41</u>	** TEXT ONLY ORDER ** ORDER setting briefing on <u>40</u> Motion to postpone report date as to Steven M. Skoien (1). Govt. has until 1/8/09 to respond to motion. Signed by Chief Judge Barbara B Crabb on 12/31/08. (vob) Modified to clarify docket text on 1/5/2009 (rep). (Entered: 01/05/2009)
01/05/2009	 <u>42</u>	Response Stating No Opposition by USA as to Steven M. Skoien to <u>40</u> MOTION to Postpone Report Date (Attachments: # <u>1</u> Certificate of Service) (O'Shea, Timothy) (Entered: 01/05/2009)
01/06/2009	 <u>43</u>	ORDER granting <u>40</u> Motion to postpone reporting date as to Steven M. Skoien (1). Reporting date is extended to 3/16/09 between noon and 2:00 PM. Signed by Chief Judge Barbara B Crabb on 1/5/09. (vob) (Entered: 01/06/2009)
02/17/2009		Appeal Record Prepared re <u>36</u> Notice of Appeal. (mmo) (Entered: 02/17/2009)